

SEALED

CLERKS OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

8/14/2017

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: s/ JODY TURNER
DEPUTY CLERK

IN THE MATTER OF:)
A BLACK SAMSUNG CELL PHONE,) Case No. 3:17MJ00038
MODEL HEX #99000478963359,)
AND DEC # 256691519209843545)

AFFIDAVIT IN SUPPORT OF THE APPLICATION
FOR SEARCH WARRANT

Your affiant, Special Agent David Wolf, being duly sworn according to law, deposes and states:

- 1) I am a Special Agent assigned to the Federal Bureau of Investigation (FBI) and have been so employed for 4 years. I am empowered by law to investigate and make arrests for various federal offenses.
- 2) I am currently assigned to the Richmond Division, Charlottesville Resident Agency and have received training in the investigation of both counterterrorism and criminal matters.
- 3) I have participated in and have experience in the investigation of various federal criminal violations, to include domestic and international terrorism, crimes against children, and civil rights violations.
- 4) I have participated in and have experience in the investigation and prosecution of drug offenses, resulting in numerous convictions of offenders.
- 5) I have also participated in searches, authorized by consent or by search warrant, of residences, commercial premises, vehicles, cell phones, and other locations for documentary evidence and packaging materials utilized in the trafficking of controlled substances and illegal contraband.

- 6) Through training and experience, your affiant has knowledge that domestic terrorists and/or conspirators will utilize cell phones and other electronic devices to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals.
- 7) I make this affidavit in support of a criminal investigation being conducted by the Federal Bureau of Investigation (FBI) concerning the act of willfully causing bodily injury to any person, or through the use of a dangerous weapon attempting to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person, in violation of Title 18, United States Code § 249.
- 8) Except where otherwise noted, the information set forth in this affidavit has been provided by Special Agents of the Federal Bureau of Investigation (FBI) and other law enforcement officials, including oral and written reports that I have received directly or indirectly from Special Agents and other law enforcement officials; physical surveillance conducted by the FBI, the Virginia State Police (VSP) and local law enforcement agencies and public records.
- 9) I make this affidavit in support of a Search Warrant for the following item; hereinafter referred to as "item to be searched:"

A black Samsung cell phone, model SM-G900P, HEX #99000478963359, and DEC # 256691519209843545

- 10) This affidavit is being submitted for the limited purpose of establishing probable cause and as such, does not contain every fact developed during this investigation. I have set

forth only the facts that I believe are necessary to establish the foundation for an order authorizing the issuance of a search and seizure warrant.

- 11) This affidavit seeks to establish probable cause to search the contents of the aforementioned cell phone for evidence related to willfully causing bodily injury to any person, or through the use of a dangerous weapon attempting to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person, in violation of Title 18, United States Code § 249.

BACKGROUND

- 12) On August 12, 2017, a “Unite the Right” rally was held in Lee Park in Charlottesville, Virginia. The stated purpose of the rally was to protest the removal of the Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville, Virginia. Several groups were believed to be planning to attend to show their support for the event organizer, JASON KESSLER (hereafter referred to as “KESSLER”). Additionally, it was believed by law enforcement that several thousand counter-protestors would show up to voice their opposition to KESSLER and those in agreement with him. Throughout the course of the day, the event had several instances of violence between the two groups of protestors. At approximately noon, the rally was declared an unlawful assembly by the Charlottesville Police Department, and eventually the two groups dispersed to their own separate locations.

- 13) One of the groups observed by law enforcement at the aforementioned rally was the Vanguard Group, whose beliefs are stated as:

“The chains of debt slavery wrap themselves tight around White Americans, such conditions must be reversed. A new generation of corporate leaders, who hold the

interests of White America first and foremost, will naturally rise to the top of this new economy.”

Below is a picture of the Vanguard America emblem taken from

<https://bloodandsoil.org/>:

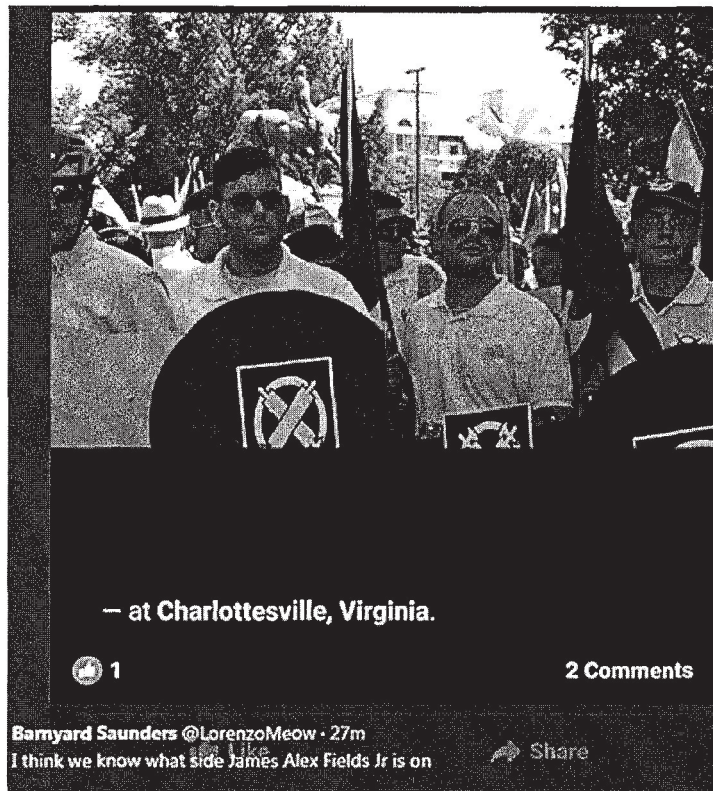


As noted above, the website for Vanguard is bloodandsoil.org. “Blood and soil” is derived from a German phrase, and it refers to a racist ideology that champions white supremacy.

PROBABLE CAUSE

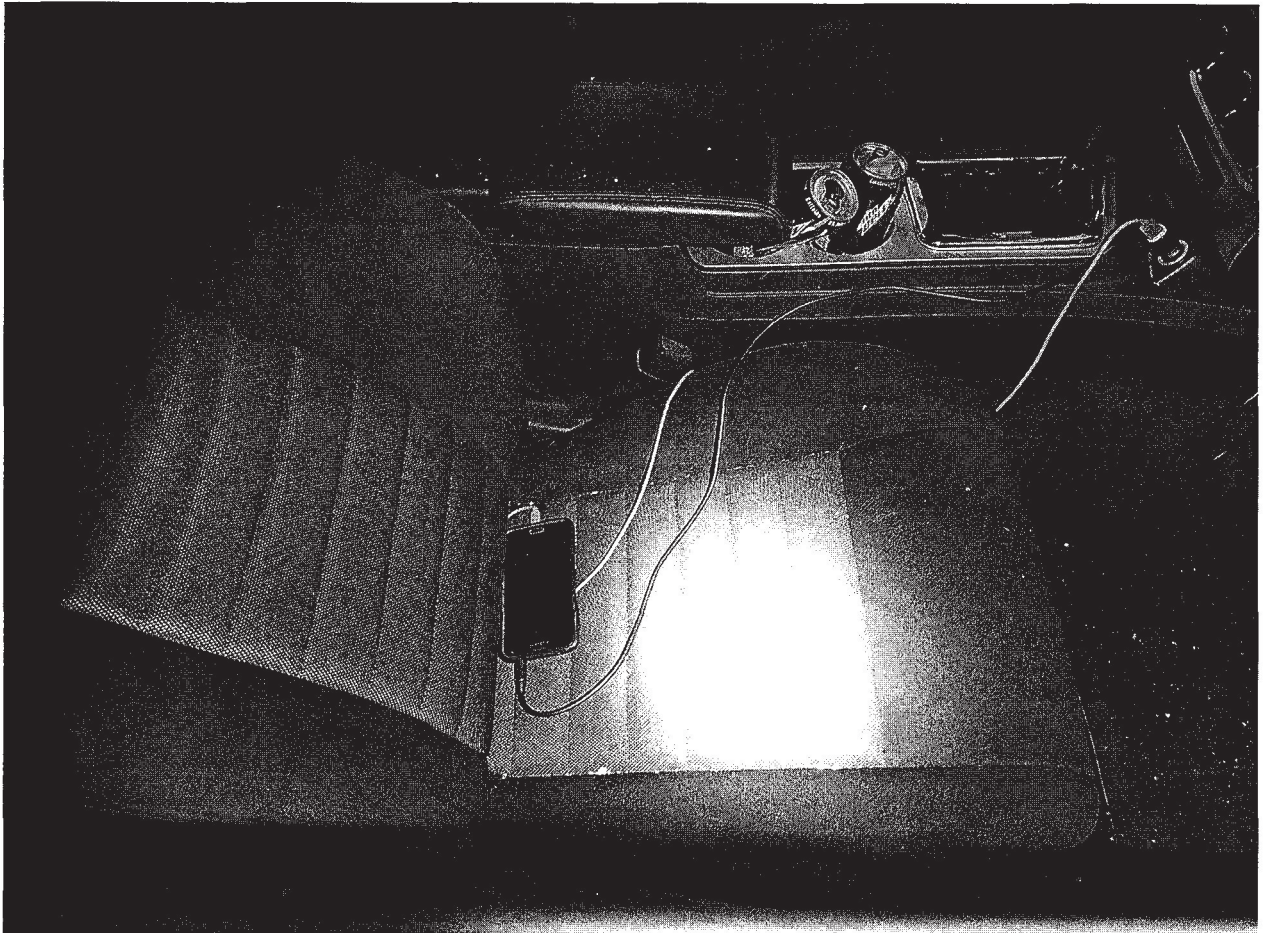
- 14) JAMES ALEX FIELDS has been identified as the operator of a grey Dodge Charger, bearing Ohio license plate GVF1111, who on August 12, 2017 drove his vehicle into a crowd of African Americans, and Black Lives Matter (“BLM”) supporters and other like-minded protestors, killing one Caucasian female and injuring approximately twenty other individuals of African-American and Caucasian descent. Based on your affiant’s review of the video footage of the incident, your affiant believes that the vehicle was traveling at a high rate of speed intending to strike African Americans and BLM supporters. After striking multiple victims with his vehicle, FIELDS then began to drive his vehicle backwards, in reverse, at high-rate of speed to flee the scene.
- 15) Your affiant observed FIELDS dressed in a white polo shirt, khaki pants, and black shoes after his arrest at the Charlottesville Police Department. FIELDS hair was trimmed with

a “high and tight” or “side-fade” style consistent with the hair style of other individuals associated with the white supremacist group Vanguard America at the rally. Below is a picture of FIELDS law enforcement obtained from social media at the Charlottesville “Unite the Right” rally. Fields is second person from the left with the large black shield in front of him.



- 16) Your Affiant, knows from other law enforcement (and the review by other law enforcement of the video footage of the incident) that only one individual was in the vehicle at the time of this incident. After the Charlottesville Police Officers arrested this individual, the vehicle was towed and stored in a secured law enforcement facility.
- 17) The Charlottesville Police Department obtained a search warrant for this vehicle and collected one Samsung cellular phone lying on the front passenger seat. The cellular phone was plugged in to the outlet and was located as seen below, where it was

accessible to the driver of the vehicle. This was the only phone that was recovered in FIELDS's vehicle.



- 18) According to local media reports from Ohio, a woman who identified herself as FIELDS's mother confirmed details about her son and his trip to Virginia for the rally. According to the woman, she knew this information from a text message that FIELDS had sent her.
- 19) Your Affiant knows from training and experience that individuals use cellular phones to communicate with friends, family, and acquaintances. Cellular phones can communicate a number of ways to include text messages, incoming and outgoing calls, through social media, text applications and routinely use their phone as a camera and video camera.

20) Based upon the above, your affiant has probable cause to believe that during the execution of a search warrant of a cell phone identified as:

A black Samsung cell phone, model SM-G900P, HEX #99000478963359, and DEC # 256691519209843545

those items enumerated in Attachment "B" will be discovered within same.

PROCEDURES FOR ELECTRONICALLY STORED INFORMATION

21) It is not possible to determine, merely by knowing the cellular telephone's make, model and serial number, the nature and types of services to which the device is subscribed and the nature of the data stored on the device. Cellular devices today can be simple cellular telephones and text message devices, can include cameras, can serve as personal digital assistants and have functions such as calendars and full address books and can be mini-computers allowing for electronic mail services, web services and rudimentary word processing. An increasing number of cellular service providers now allow for their subscribers to access their device over the internet and remotely destroy all of the data contained on the device. For that reason, the device may only be powered in a secure environment or, if possible, started in "flight mode" which disables access to the network. Unlike typical computers, many cellular telephones do not have hard drives or hard drive equivalents and store information in volatile memory within the device or in memory cards inserted into the device. Current technology provides some solutions for acquiring some of the data stored in some cellular telephone models using forensic hardware and software. Even if some of the stored information on the device may be acquired forensically, not all of the data subject to seizure may be so acquired. For devices that are not subject to forensic data acquisition or that have potentially relevant data stored that is not subject to such acquisition, the examiner must inspect the device manually and record the process

and the results using digital photography. This process is time and labor intensive and may take weeks or longer.


22) Following the issuance of this warrant, a mobile forensic analyst will examine the cellular telephone. All forensic analysis of the data contained within the telephone and its memory cards will employ search protocols directed exclusively to the identification and extraction of data within the scope of this warrant.


CONCLUSION

23) In conclusion, your affiant believes there is probable cause to believe that images, records, evidence, fruits and instrumentalities, more particularly described in Attachment B, relating to violations of Title 18, United States Code, § 249 are located on the device described in Attachment A.

Received by reliable electronic means
and sworn and attested to by telephone
on August 13, 2017.

Respectfully submitted:


David Wolf
Special Agent
Federal Bureau of Investigation


Honorable Joel C. Hoppe
United States Magistrate Judge

~~Subscribed and sworn to before me on August xxxxxxxx, 2017~~

ATTACHMENT A

Property to be searched

1. A black Samsung cell phone, model SM-G900P, HEX #99000478963359, and DEC # 256691519209843545

ATTACHMENT B

Particular Things to be seized

1. The digital contents of a black Samsung cell phone, model SM-G900P, HEX #99000478963359, and DEC # 256691519209843545, found in the vehicle owned by JAMES ALEX FIELDS at the time of his arrest, to include any electronic communications data stored therein, including contacts, pertinent text and other messages about FIELDS's plans, activities, associates, affiliated groups, emails, user attributions, applications, photos and videos, internet search activity, notes, deleted files, and web favorites related to the August 12, 2017 rally in Charlottesville, any communication related to white supremacy groups as well as any prior information related to groups in attendance of the rally or any additional information related to a potential violation of 18 U.S.C. 249.